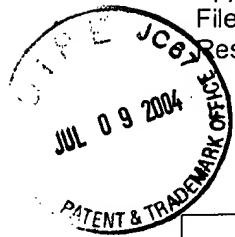


07-12-04

3762

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92

Application No. 09/921,066
Filed 8/2/2001
Response of 7/9/2004



Application No.	09/921,066
Applicant	Foster, Thomas H.
Filed	8/2/2001
Title	MRI-Compatible Implantable Device
TC/A.U.	3762
Examiner	Evanisko, George Robert
Docket No.	PRC-4 (170)

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

In reply to the Notice of Allowance of May 20, 2004, please find the response as follows:

Remarks/Arguments begin on page 2 of this paper.

REMARKS

On May 20, 2004, our office was pleased to receive a Notice of Allowance for the subject application. In preparation for issuance, a review of the prosecution history was conducted. During this review, applicants' agent noted that an Information Disclosure Statement (IDS) was submitted on November 4, 2002. From the record, it was unclear if the references cited in this IDS were considered by the Examiner.

Enclosed, please find a copy of the IDS that was submitted on November 4, 2002. Included in this submission is a photocopy of the return postcard which was stamped by the Patent and Trademark Office on November 6, 2002. Also included are copies of the non-patent references (#273 to #320) cited in the IDS.

Applicants respectfully request that these references be considered and an initialed IDS form be made part of the record. If the Examiner has any questions or comments concerning the re-submission of this IDS, he is invited to contact applicants' agent.

Respectfully submitted,
Howard J. Greenwald P.C.

By 

Peter J. Mikesell
Reg. No. 54,311
Telephone (585) 387-0285
Fax (585) 387-0288



GREENWALD & BASCH LLP

Practice concentrated in Intellectual Property Law

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EAST ROCHESTER, NY 14445-2408

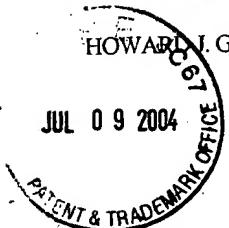
Telephone (585) 387-0280
Facsimile (585) 387-0288

HOWARD J. GREENWALD

DUANE C. BASCH

JUL 09 2004

November 7, 2002



Subject: Information Disclosure Statement

Application: Group Art Unit: 3738
U.S.S.N.: 09/921,066
Filing Date: August 2, 2001
Attorney Docket: PRC-4

Enclosures: Information Disclosure Statement Patent Documents
Information Disclosure Statement Non-Patent Literature
Copies of References
Transmittal Form
Transmittal of IDS
Return Postcard

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JUL 09 2004

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

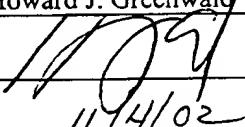
(to be used for all correspondence after initial filing)

Application Number	09/921,066
Filing Date	August 2, 2001
First Named Inventor	Thomas Foster
Group Art Unit	3738
Examiner Name	
Total Number of Pages in This Submission	PRC-4

ENCLOSURES (check all that apply)

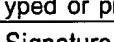
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Transmittal Form
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Transmittal of Information Disclosure Statement
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Certificate of Mailing
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> Copy of Cited References
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	<input type="checkbox"/> Return Postcard
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Greenwald & Basch LLP By: Howard J. Greenwald
Signature	
Date	11/9/02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

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JUL 09 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE application of:

Application No.: 09/921,066 Group No.: 3738
 Confirmation No: 7986
 Filed: August 2, 2001 Examiner:
 For: MRI-Resistant Implantable Device

Assistant Commissioner for Patents
 Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
 WITHIN THREE MONTHS OF FILING OR
 BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. section 1.97(b))**

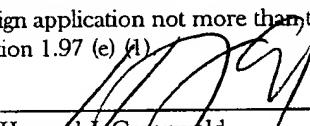
**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
 INFORMATION DISCLOSURE STATEMENT**

1) The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

or

2) The Information Disclosure Statement submitted herewith contains information that was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. 37 C.F.R. section 1.97 (e) (1).

Date: 11/4/02


 Howard J. Greenwald
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 585-387-0280
 Customer No. 27157

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action--page 1 of 1)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

JUL 09 2004

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	1	3057356	10-09-1962	W. Greatbatch
	2	3478746	11-18-1969	Greatbatch
	3	3508167	04-21-1970	R.B. Russell, Jr.
	4	3669095	06-13-1972	Kobayashi et al
	5	3686958	08-29-1972	Porter et al.
	6	3718142	02-27-1973	Mulier
	7	3789667	02-05-1974	Porter et al.
	8	3825015	07-23-1974	Berkovits
	9	4012641	03-15-1977	Brickerd, Jr. et al.
	10	4041954	08-16-1977	Ohara
	11	4050004	09-20-1977	Greatbatch
	12	4071032	01-31-1978	Schulman
	13	4091818	05-30-1978	Brownlee et al.
	14	4200110	04-29-1980	Peterson et al.
	15	4210029	07-01-1980	Porter
	16	4254776	03-10-1981	Tanie et al.
	17	4325382	04-20-1982	Miodownik
	18	4333053	06-01-1982	Harrison et al.
	19	4341221	09-27-1982	Testerman
	20	4379262	04-05-1983	Young
	21	4432363	02-21-1984	Kakegawa
	22	4450408	05-22-1984	Tiemann
	23	4476870	10-16-1984	Peterson et al.
	24	4491768	01-01-1985	Slicker
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	26	4611127	09-09-1986	Ibrahim et al.
	27	4677471	06-30-1987	Takamura et al.
	28	4686964	08-18-1987	Yunoki et al.
	29	4691164	09-01-1987	Haragashira
	30	4719159	01-12-1988	Clark et al.
	31	4727874	03-01-1988	Bowers et al.
	32	4763075	08-09-1988	Weigert
	33	4784461	11-15-1988	Abe et al.
	34	4798443	01-17-1989	Knipe et al.

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

JUL 09 2004

Sheet 2 of 8

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
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Attorney Docket Number PRC-4

US PATENT DOCUMENTS

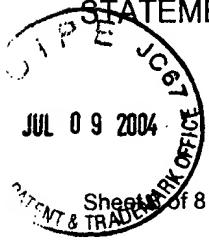
Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	35	4800883	07-31-1989	Winstrom
	36	4804244	02-14-1989	Hasegawa et al.
	37	4827906	05-09-1989	Robicsek et al.
	38	4827934	05-09-1989	Ekwall
	39	4858610	08-22-1989	Callaghan et al.
	40	4879992	11-14-1989	Nishigaki et al.
	41	4880004	11-14-1989	Baker, Jr. et al.
	42	4903701	02-27-1990	Moore et al.
	43	4911525	03-27-1990	Hicks et al.
	44	4930521	06-05-1990	Metzger et al.
	45	4934785	06-19-1990	Mathis et al.
	46	4987897	01-29-1991	Funke
	47	4991590	02-12-1991	Shi
	48	5010888	04-30-1991	Jadvar et al.
	49	5055810	10-08-1991	deLaChapelle et al.
	50	5058586	10-22-1991	Heinze
	51	5061680	10-29-1991	Paulson et al.
	52	5089697	02-18-1992	Prohaska
	53	5113859	05-19-1992	Funke
	54	5131409	07-21-1992	Lobarev et al.
	55	5154387	10-13-1992	Trailer
	56	5158932	10-27-1992	Hinshaw et al.
	57	5168871	12-08-1992	Grevious
	58	5178149	01-12-1993	Imburgia et al.
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	60	5217009	06-08-1993	Kronberg
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	63	5243979	09-14-1993	Stein et al.
	64	5265602	11-30-1993	Anderson et al.
	65	5267564	12-07-1993	Barcel et al.
	66	5324310	06-28-1994	Greeninger et al.
	67	5330512	07-19-1994	Hauck et al.
	68	5348010	09-20-1994	Schnall et al.
	69	5354220	10-11-1994	Ganguly et al.

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT



Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

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Sheet 8 of 8

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	70	5370668	12-06-1994	Shelton
	71	5387229	02-07-1995	Poore
	72	5387232	02-07-1995	Trailer
	73	5402070	03-28-1995	Shelton et al.
	74	5410413	04-25-1995	Sela
	75	5415653	05-16-1995	Wardle et al.
	76	5425373	06-20-1995	Causey, III
	77	5435308	07-25-1995	Gallup et al.
	78	5435316	07-25-1995	Kruse
	79	5438987	08-08-1995	Thacker et al.
	80	5445151	08-29-1995	Darrow et al.
	81	5453838	09-26-1995	Danielian et al.
	82	5456698	10-10-1995	Byland et al.
	83	5464014	11-07-1995	Sugahara
	84	5476095	12-19-1995	Schnall et al.
	85	5520190	05-28-1996	Benedict et al.
	86	5523534	06-04-1996	Meister et al.
	87	5569158	10-29-1996	Suzuki et al.
	88	5570671	11-05-1996	Hickey
	89	5574811	11-12-1996	Bricheno et al.
	90	5575772	11-19-1996	Lennox
	91	5582170	12-10-1996	Soller
	92	5590227	12-31-1996	Osaka et al.
	93	5601611	02-11-1997	Fayram et al.
	94	5603697	02-18-1997	Grundy et al.
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	97	5619605	04-08-1997	Ueda et al.
	98	5626618	05-06-1997	Ward et al.
	99	5626619	05-06-1997	Jacobson et al.
	100	5631988	05-20-1997	Swirhun et al.
	101	5634720	06-03-1997	Gallup et al.
	102	5649965	07-22-1997	Pons et al.
	103	5653735	08-05-1997	Chen et al.
	104	5654317	08-05-1997	Fujioka et al.

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INFORMATION DISCLOSURE
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JUL 09 2004

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

Sheet 4 of 8

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	105	5658966	08-19-1997	Tsukamoto et al.
	106	5679026	10-21-1997	Fain et al.
	107	5683435	11-04-1997	Truex et al.
	108	5697958	12-16-1997	Paul et al.
	109	5699801	12-23-1997	Atalar et al.
	110	5709225	01-20-1998	Budgivars et al.
	111	5716386	02-10-1998	Ward et al.
	112	5723856	03-03-1998	Yao et al.
	113	5733247	03-31-1998	Fallon
	114	5738105	04-14-1998	Kroll
	115	5749910	05-12-1998	Brumwell et al.
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	117	5755739	05-26-1998	Sun et al.
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	119	5759197	06-02-1998	Sawchuk et al.
	120	5761354	06-02-1998	Kuwano et al.
	121	5766227	06-16-1998	Nappholz et al.
	122	5772604	06-30-1998	Langberg et al.
	123	5774501	06-30-1998	Halpern et al.
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	129	5814087	09-29-1998	Renirie
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	137	5827195	10-27-1998	Lander
	138	5827997	10-27-1998	Chung et al.
	139	5830209	11-03-1998	Savage et al.

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT



JUL 09 2004
Sheet 5 of 8

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	140	5836895	11-17-1998	Ramsey, III
	141	5861012	01-19-1990	Stroebel
	142	5865839	02-02-1999	Doorish
	143	5867361	02-02-1999	Wolf et al.
	144	5868664	02-09-1999	Speier et al.
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	147	5871509	02-16-1999	Noren
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	151	5882305	03-16-1999	Dumoulin et al.
	152	5891171	04-06-1999	Wickham
	153	5895980	04-20-1999	Thompson
	154	5897577	04-27-1999	Cinbis et al.
	155	5899927	05-04-1999	Ecker et al.
	156	5902326	05-11-1999	Lessar et al.
	157	5916162	06-29-1999	Snelton et al.
	158	5916237	06-29-1999	Schu
	159	5917625	06-29-1999	Ogusu et al.
	160	5919135	07-06-1999	Lemelson
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	165	5946086	08-31-1999	Bruce
	166	5951596	09-14-1999	Bellinger
	167	5954660	09-21-1999	Legay et al.
	168	5957857	09-28-1999	Hartley
	169	5963034	10-05-1999	Mahapatra et al.
	170	5963690	10-05-1999	Cheng
	171	5967977	10-19-1999	Mullis et al.
	172	5973779	10-26-1999	Ansari et al.
	173	5973906	10-26-1999	Stevenson et al.
	174	5978710	11-02-1999	Prutchi et al.

Examiner
Signature

Date
Considered

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

JUL 09 2004

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

Sheet 6 of 8

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	175	5982961	11-09-1999	Pan et al.
	176	5985129	11-16-1999	Gough et al.
	177	5987995	11-23-1999	Sawatari et al.
	178	5999853	12-07-1999	Stoop et al.
	179	5999857	12-07-1999	Weijand et al.
	180	6005191	12-21-1999	Tzeng et al.
	181	6011994	01-04-2000	Kronberg
	182	6013376	01-11-2000	Yenni, Jr.
	183	6016448	01-18-2000	Busacker et al.
	184	6016477	01-18-2000	Ehnebuske et al.
	185	6023641	02-28-2000	Thompson
	186	6024738	02-15-2000	Daikuzono et al.
	187	6026316	02-15-2000	Kucharczyk
	188	6029086	02-22-2000	Kim et al.
	189	6029087	02-22-2000	Wohlgemuth
	190	6031710	02-29-2000	Wolf et al.
	191	6036639	03-14-2000	Allred, III et al.
	192	6036654	03-14-2000	Quinn et al.
	193	6044301	03-28-2000	Hartlaub et al.
	194	6052613	04-18-2000	Takaki
	195	6052614	04-18-2000	Morris, Sr. et al.
	196	6052623	04-18-2000	Fenner et al.
	197	6055455	04-25-2000	O'Phelan et al.
	198	6056415	05-02-2000	Allred, III et al.
	199	6056721	05-02-2000	Shulze
	200	6064906	05-16-2000	Langberg et al.
	201	6066096	05-23-2000	Smith et al.
	202	6067472	05-23-2000	Vonk et al.
	203	6076003	06-13-2000	Rogel
	204	6080829	06-27-2000	Tapsak et al.
	205	6090473	07-18-2000	Yoshikawa et al.
	206	6090728	07-18-2000	Yenni, Jr. et al.
	207	6091015	07-18-2000	delValle et al.
	208	6091744	07-18-2000	Sorin et al.
	209	6091987	07-18-2000	Thompson

Examiner
Signature

Date
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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

JUL 09 2004

Sheet 8 TRADEMARK OFFICE

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	210	6101973	08-15-2000	Stewart et al.
	211	6118910	09-12-2000	Chang
	212	6119031	09-12-2000	Crowley
	213	6129745	10-10-2000	Sun et al.
	214	6134003	10-17-2000	Tearney et al.
	215	6134478	10-17-2000	Spehr
	216	6142678	11-07-2000	Cheng
	217	6144866	11-07-2000	Miesel et al.
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Sheet 8 of

U.S. PATENT & TRADEMARK OFFICE

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

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Application Number 09/921,066
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 First Named Inventor Thomas Foster
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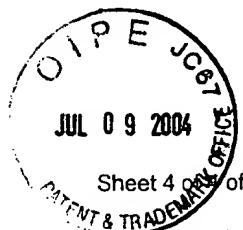
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Group Art Unit 3738
Examiner Name
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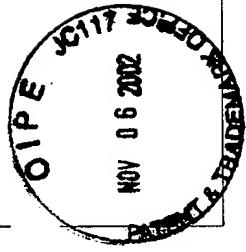
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USPTO Acknowledgment Postcard
Serial: 09/921,066
Filing Date: August 2, 2001
Docket: FRC-44
Inventor:
Title: MRI-Resistant Implantable Device

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RESUBMISSION OF IDS

Application Number	09/921,066
Filing Date	8/2/2001
First Inventor	Foster, Thomas H.
Examiner Name	Evanisko, George Robert
Art Unit	3762
Docket Number	PRC-4 (170)
Express Mail Label	EV 457055016US

DATE OF DEPOSIT: 7/9/2004

EV 457055016US

TITLE OF CASE:

MRI-Compatible Implantable Device

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